

**APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office JAN 21 2003

Returned to applicant for correction _____

Corrected application filed _____

Map filed JAN 21 2003 under 69490

The applicant **Martha P. Sims-Hoots, Co-Trustee of the W.R. Peavey Testamentary Trust**, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **Underground**
2. The amount of water applied for is **0.016 cfs** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **Stockwater and Domestic**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated
 - (b) Stockwater, state number and kinds of animals to be watered **500 Cattle**
 - (c) Other use (describe fully under No. 12. "Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **NW¼ SW¼ of Section 5, T.36N., R.60E., M.D.B.&M., at a point from which the Southeast corner of said Section 5, bears S 70° 02' 29" E, 4355.50 feet**
6. Place of Use **A portion of the NW¼ SW¼ of Section 5, T.36N., R.60E., M.D.B.&M.**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **Existing well was drilled in 2002 for drought relief purposes. Proposed works include a pump, motor, pipeline and trough.**
9. Estimated cost of works **\$20,000**
10. Estimated time required to construct works **The well has been drilled**
11. Estimated time required to complete the application of water to beneficial use **5 years**

12. Remarks:

HIGH DESERT Engineering, Agent
By s/ Duane V. Merrill
640 Idaho Street
Elko, NV 89803

Compared cac/cmf ag/ CMF

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the period of use and the average number of livestock served from the waters of this source. It is further understood that this right must allow for a reasonable lowering of the static water level at permittee's well due to any other ground water development in the area. The well shall be equipped with a 2-inch opening for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times but does not take responsibility for the use of the Federal range.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.016 cubic feet per second, or sufficient to water 500 head of cattle.

Work must be prosecuted with reasonable diligence and be completed on or before:

March 12, 2005

Proof of completion of work shall be filed on or before:

April 12, 2005

Water must be placed to beneficial use on or before:

March 12, 2009

Proof of the application of water to beneficial use shall be filed on or before:

April 12, 2009

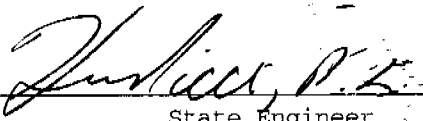
Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 12th day of March, A.D. 2004


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A _____

Certificate No. _____ Issued _____